

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARCUS MIAL,	:	
Plaintiff	:	
v.	:	Case No.: 1:11-cv-921
STEPHEN O. SIMPSON, et al.,	:	
Defendants.	:	

PARTIES' RULE 16 DISCOVERY PLAN

COME NOW the Plaintiff, Marcus Mial, by and through his counsel, Victor M. Glasberg and Bernadette Armand; and Defendants, Stephen O. Simpson, Deputy Jennifer A. Sharon [sic], Deputy Nate Furgeson [sic], and Deputy Sayre by and through their counsel, Alexander Francuzenko, Esq., and the law firm of Cook Kitts & Francuzenko, PLLC, and pursuant to the Court's Order and Rule 16 of the Federal Rules of Civil Procedure, file the following Discovery Plan:

1. Claim

Plaintiff, Marcus Mial asserts that the Defendants, violated his Fourth and Fourteenth Amendment rights. Plaintiff is seeking actual damages, punitive damages, legal fees, and expenses in this cause of action.

2. Defenses

Defendants, Simpson, Sharon [sic], Furgeson [sic], and Sayre deny the allegations made by the Plaintiff in his Complaint. Defendants incorporate by reference the defenses asserted in their Answers to Plaintiff's Complaint.

3. Settlement

At this point, settlement discussions have not taken place. The parties will explore settlement possibilities as the case progresses

4. Trial

The parties are not willing to consent to a Trial before a United States Magistrate Judge at this time.

5. Rule 26(a)(1) Disclosure

The parties request that Rule 26(a)(1) Disclosures be made on or before November 14, 2011.

6. Discovery

The parties see no need to vary from the limits imposed on discovery by the scheduling order and governing rules. The parties reserve the right to seek additional discovery for good cause.

7. Expert Deadlines

The parties agree to the following expert disclosure schedule: Plaintiff's expert disclosures due November 10, 2011; Defendants' expert disclosures due December 10, 2011; Plaintiff's rebuttal expert disclosures due December 26, 2011, pursuant to the governing rules.

8. Federal Rules of Civil Procedure, Rule 26(f)(3)

Any electronically stored information that is requested in discovery shall be identified as such, but may be produced in written form unless requesting counsel, in good faith, believes that disclosure of any particular information would be more useful in an electronic format and requests electronic production.. Recorded aural information (e.g., all communications involving the parties via telephone, radio, etc.) and will be produced in audio format as well as via any

transcript that has been made thereof.

9. Federal Rules of Civil Procedure, Rule 26(f)(4)

Any claims of privilege or protections related to trial preparation material made with regard to discovery responses will be addressed in an appropriate log. The objecting party will identify the documents and/or information which is protected and the basis for the protection in log form and produce such log to the opposing side. Information protected by the attorney-client privilege and work product may be designated in summary form, so that standard communication between client and counsel and counsel's file not be designated in particularity.

10. The style of the case shall be amended to state the correct spellings and names of the following defendants: Jennifer Sherin, Nathan Ferguson and Brian Sayre.

_____/s/_____
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